

PD-0956-19

ANTONIO LOPEZ

IN THE COURT OF CRIMINAL APPEALS

COURT OF CRIMINAL APPEALS

4/3/2020

DEANA WILLIAMSON, CLERK

V.

STATE OF TEXAS

OF TEXAS

STATE'S FIRST MOTION
FOR AN EXTENSION OF TIME TO FILE THE STATE'S BRIEF

TO THE COURT OF APPEALS, EIGHTH DISTRICT OF TEXAS:

COMES NOW, the State of Texas in the above styled and numbered cause, pursuant to Rule 10.5(b) and Rule 38.6(d) of the Texas Rules of Appellate Procedure, and requests an extension of time in which to file the State's brief, and would show the Court as follows:

1. Appellant, Antonio Lopez (hereinafter Lopez), was convicted by a jury on February 7, 2017, of the offense of murder. (CR2: 1017, 1032; RR12: 1, 112). On February 8, 2017, after an agreement on punishment was reached, the trial court assessed punishment in accordance with the agreement at 35 years' confinement in the Texas Department of Criminal Justice – Institutional Division. (CR2: 1032, 84-85; RR13: 1, 8-10). Notice of appeal was timely filed on February 20, 2017. (CR2: 1035). The trial court certified the right to appeal. (SuppCR2: 10). The Eighth Court of Appeals affirmed Lopez's conviction in an unpublished opinion on August 14, 2019. *See Lopez v. State*, No. 08-17-00039-CR, 2019 WL 3812377 (Tex.App. – El Paso August 19, 2019, pet. granted)(not designated for publication). This Court granted Lopez's PDR on January 29, 2020.

2. The State's brief is currently due to be filed on April 20, 2020.

3. This extension is requested for 30 days until May 20, 2020.

4. No motion for extension of time to file the State's brief has been previously requested by the State or granted by this Court.

5. The undersigned attorney for the State, has been unable to complete the State's brief in a timely manner during the briefing period and requests this extension due to the following:

(a) Work in progress on the State's reply brief in *Elizabeth Munoz v. State*, cause number 08-19-00072-CR, due to be filed in the Eighth Court of Appeals on third extension on April 15, 2020;

(b) Work in progress on the State's reply brief in *Victor Molinar v. State*, cause number 08-19-00126-CR, due to be filed in the Eighth Court of Appeals on first extension on April 18, 2020;

(c) Work in progress on the State's reply brief in *Jesus Cabrales v. State*, cause number 08-19-00199-CR, due to be filed in the Eighth Court of Appeals on second extension on April 20, 2020; and

(d) Due to the coronavirus pandemic, the undersigned has been ordered to work from home, which has disrupted the normal work schedule of the undersigned.

PRAYER

WHEREFORE, the State prays that this extension request will be granted until May 20, 2020.

Respectfully submitted,

JAIME ESPARZA
DISTRICT ATTORNEY
34th JUDICIAL DISTRICT

/s/ John L. Davis

JOHN L. DAVIS
ASST. DISTRICT ATTORNEY
EL PASO COUNTY COURTHOUSE
500 E. SAN ANTONIO
EL PASO, TEXAS 79901
(915) 256-2393
FAX (915) 533-5520
E-MAIL: jdavis@epcounty.com
SBN 05515700

ATTORNEYS FOR THE STATE

CERTIFICATE OF COMPLIANCE

The undersigned does hereby certify that the foregoing document contains
581 words.

/s/ John L. Davis
JOHN L. DAVIS

CERTIFICATE OF SERVICE

The undersigned does hereby certify that he has registered to e-file
documents through an EFSP, and the undersigned has on this day, April 2, 2020,
served a copy of the above motion through the EFSP on the attorney for appellant,
that being: Robin Norris, 2408 Fir Street, El Paso, Texas 79925, email:
robbinnorris@outlook.com.

/s/ John L. Davis
JOHN L. DAVIS

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Bar No. 05515700
jdavis@epcounty.com
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Associated Case Party: The State of Texas

Name	BarNumber	Email	TimestampSubmitted	Status
Jaime Esparza (Appeal)		DAAppeals@epcounty.com	4/2/2020 4:33:49 PM	SENT
State Prosecuting Attorney		information@SPA.texas.gov	4/2/2020 4:33:49 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Robin Norris		robbinnorris@outlook.com	4/2/2020 4:33:49 PM	ERROR